

Charles E. Schumer, Richard J. Durbin, Jeff Merkley, Jeanne Shaheen, Elizabeth Warren, Mazie Hirono, Sheldon Whitehouse, Richard Blumenthal, Christopher A. Coons, Jack Reed, Gary C. Peters, Angus S. King, Jr., Alex Padilla, Tim Kaine, Brian Schatz, Cory A. Booker.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Gordon P. Gallagher, of Colorado, to be United States District Judge for the District of Colorado, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant executive clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Oregon (Mr. MERKLEY), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Kentucky (Mr. PAUL), the Senator from North Carolina (Mr. TILLIS), and the Senator from Alabama (Mr. TUBERVILLE).

Further, if present and voting, the Senator from North Carolina (Mr. TILLIS) would have voted "yea."

The yeas and nays resulted—yeas 50, nays 41, as follows:

[Rollcall Vote No. 38 Ex.]

YEAS—50

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Booker	Kaine	Schatz
Brown	Kelly	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Lujan	Smith
Casey	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Van Hollen
Cortez Masto	Murkowski	Warner
Duckworth	Murphy	Warnock
Gillibrand	Murray	Warren
Graham	Ossoff	Welch
Grassley	Padilla	Wyden
Hassan	Peters	

NAYS—41

Barrasso	Fischer	Ricketts
Blackburn	Hagerty	Risch
Boozman	Hawley	Romney
Braun	Hoeben	Rounds
Britt	Hyde-Smith	Rubio
Budd	Johnson	Schmitt
Capito	Kennedy	Scott (FL)
Cassidy	Lankford	Scott (SC)
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Vance
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Mullin	

NOT VOTING—9

Crapo	Fetterman	Tillis
Durbin	Merkley	Tuberville
Feinstein	Paul	Whitehouse

The PRESIDING OFFICER (Mr. PETERS). On this vote, the yeas are 50, the nays are 41.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Gordon P. Gallagher, of Colorado, to be United States District Judge for the District of Colorado.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 1:21 p.m., recessed until 1:45 p.m. and reassembled when called to order by the Presiding Officer (Mr. PETERS).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jonathan James Canada Grey, of Michigan, to be United States District Judge for the Eastern District of Michigan.

VOTE ON GREY NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Grey nomination?

Mrs. BLACKBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. SCHUMER. I announce that the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Oregon (Mr. MERKLEY), the Senator from Vermont (Mr. SANDERS), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. LANKFORD), and the Senator from Kansas (Mr. MORAN).

The result was announced—yeas 49, nays 42, as follows:

[Rollcall Vote No. 39 Ex.]

YEAS—49

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Schatz
Booker	Kaine	Schumer
Brown	Kelly	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Lujan	Stabenow
Casey	Manchin	Tester
Collins	Markey	Van Hollen
Coons	Menendez	Warner
Cortez Masto	Murkowski	Warnock
Duckworth	Murphy	Warren
Gillibrand	Murray	Welch
Graham	Ossoff	Wyden
Grassley	Padilla	
Hassan	Peters	

NAYS—42

Barrasso	Boozman	Britt
Blackburn	Braun	Budd

Capito	Hyde-Smith	Rounds
Cassidy	Johnson	Rubio
Cornyn	Kennedy	Schmitt
Cotton	Lee	Scott (FL)
Cramer	Lummis	Scott (SC)
Cruz	Marshall	Sullivan
Daines	McConnell	Thune
Ernst	Mullin	Tillis
Fischer	Paul	Tuberville
Hagerty	Ricketts	Vance
Hawley	Risch	Wicker
Hoeben	Romney	Young

NOT VOTING—9

Crapo	Fetterman	Moran
Durbin	Lankford	Sanders
Feinstein	Merkley	Whitehouse

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SCHATZ). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The senior Senator from Mississippi.

U.S. ARMED FORCES

Mr. WICKER. Mr. President, our Nation is once again in an age of great power conflict. It is a dangerous time for this country, for our military, and for our citizens.

The mission of the U.S. military is to deter and, if necessary, win real wars, not engage in culture wars. And so I rise this afternoon to say that this administration's current diversity, equity, and inclusion program is not only unnecessary but harmful to our military and to our national security.

But, first, let me do a quick history lesson. Eighty years ago, our country was pitted against fascist foes from three continents. Our "greatest generation," my father among them, answered the call to arms and defended the world against an evil autocrat. Back then, the military was not what it should be. Our ranks were segregated. But a group of fearless African-American airmen challenged the conscience of the military and the Nation and paved the road to change.

In early 1943, the Tuskegee Airmen were making the final preparations to deploy to North Africa and later to Italy to take on the Axis war machine. They made history as the first African-American combat pilots, and they served with honor and distinction.

Their actions are now the stuff of popular film and literature, and they are a cornerstone of American culture. But the valor of the Tuskegee Airmen did not just appear overnight. John C. Robinson, a native son of my home State of Mississippi, spent a decade laying the groundwork for the airmen's future heroism. Born to a Pullman porter, Robinson completed 10th grade but was barred from further education. He could afford only a wagon ride on his first trip to the Tuskegee Institute, where he would learn the engineering trades hundreds of miles away from home.

He persevered, after facing several rejections from America's leading aviation school, and eventually he worked as a janitor by day and studied aviation by night, graduating at the top of his class with flying colors.

When Mussolini's brigades of Italian fascists invaded Ethiopia, Robinson jumped into the breach. He led the air campaign in one of the first salvos of World War II. His story would become well known to Americans in the newspapers and on the radio waves, and he inspired a generation as one of the first Black combat pilots.

As one historian put it, it was solely because of Robinson's contributions that the Tuskegee program became popular with the Army. Only in America, could the son of a Mississippi porter who was denied a college education because of the color of his skin become one of the finest aviators his country ever saw in a moment when we needed him most.

This is who we are. This is what our service men and women sign up to defend every day. Today, as then, we live in an age of great power conflict. Today, as then, we face hate-filled autocrats who seek to dominate. These foes present the American people with a test, and the Tuskegee Airmen's story reminds us that we can pass that test. The Tuskegee Airmen knew the principles of the United States—liberty and justice for all—though not fully achieved, were worth fighting for at home and abroad.

Because of their courage, along with the leadership of our government, their focus on the core mission of the U.S. military to defend us in war led to the defeat of fascism in Europe, but it also changed our troops. The Tuskegee Airmen's heroism challenged the conscience of the Armed Forces and the country. They paved the way for a transformation.

The U.S. military today is the largest, most diverse engine of social mobility in this country. The U.S. military is the most successful civil rights program in the history of the world.

The fact is, American soldiers from all backgrounds are now promoted on the basis of their character, commitment, ability, and courage. The treatment dreamed of by the Tuskegee Airmen has become a reality.

That is why it is so mystifying, even disturbing, to see the current diversity, equity, and inclusion initiatives. If you look at the policies of the Department of Defense, you would be forgiven for thinking our forces are today under a cloud of segregation and extremism.

The truth is, the military now represents the best of our society and has consistently advanced the cause of equal rights. Even before the rest of the country was ready to take that pivotal step, the military took that step.

Now, as Commander in Chief, President Biden still has the most important job that the Commander in Chief has ever had, and that is leading our military in defense of the United States. But his administration is making that job harder every day by focusing on leftwing social issues.

In the wake of a disastrous retreat from Afghanistan and increasingly hostile behavior from China and Russia,

the President should be prioritizing military readiness. Instead, he has decided, inexplicably, to spend his first 2 years in office focusing on something else—on shaping the Department of Defense into an institution that is spearheading toxic social policies instead of focusing on military strength. This agenda has harmed military readiness and alienated a large portion of potential military recruits.

The ideas propagandized by the bureaucrats and so-called diversity officers within our military are painting a false picture of reality. In addition, they clearly run afoul of America's founding principles and our country's dedication to the proposition that all men are created equal.

The mission of the U.S. military is to deter real wars and win them if necessary, not to wage culture wars within the ranks. But there are numerous examples of how this administration has made it a top priority to push progressive social policies on the military, and it is undermining the effectiveness of our national defense.

Within the first 6 months of the Biden administration, Pentagon civilian leadership demanded the creation of a powerful new diversity, equity, and inclusion bureaucracy focused on everything but readiness.

Right before the 2022 midterms, the Secretary of Defense released a memo warning, with no evidence whatsoever, that the recent Supreme Court decision on abortion would negatively impact readiness and recruiting, with no evidence whatsoever that this was true. Every dollar we spend on defense should have a clear connection to advancing military effectiveness and lethality.

My colleague Senator JONI ERNST, herself a veteran, has been especially clear-eyed on this topic, proposing legislation blocking the use of taxpayer dollars to fund specious efforts related to abortion at the Department of Defense. I agree, and I am glad to join her in this effort.

The Senate Armed Services Committee has a duty to conduct careful oversight and analysis of the Department of Defense.

Today's woke social issue agenda does not improve military effectiveness or lethality. That is why my colleague Senator TOM COTTON and House Member DAN BISHOP are introducing new legislation to stop the use of critical race theory in the Department of Defense, including in our service academies.

It will take strong support for efforts like these to root out toxic ideas, but we must begin to do it now. Misguided efforts from bureaucrats and political appointees alike to inject domestic social issues into defense policy will harm our military's ability to perform its mission.

It pains me to say this, but public confidence in our services is low and shrinking. The Reagan Institute reports that fewer than half of Ameri-

cans have trust in the military, down from over 70 percent a few years ago.

Largely because of the President's decision to advance his liberal ideology on our armed services, the military now faces the biggest challenge to recruiting in the history of the modern All-Volunteer Force. By the end of this year, the Army will likely be more than 30,000 soldiers smaller today than it was the day President Biden took the oath of office. The Navy is actively recruiting thousands of people who are normally barred from military service because the Navy recruiters cannot find enough qualified recruits to man our growing fleet.

Recruiting is an essential element of military readiness. Hardware is important, to be sure, but if our best and brightest are discouraged from putting on a uniform, we cannot hope to field a ready force.

Addressing this problem starts with addressing how we shape our future leaders. Our four military service academies share a commitment to excellence and boast an impressive track record of molding the officers who will lead the branches of our Armed Forces. I am delighted to help so many young Mississippians gain admission to our academies. But, sadly, over recent years, even our academies have not been immune to the same spread of toxic race- and gender-infused agenda that has inflamed so many college campuses across the Nation.

Across the service academies, students can now find indoctrination courses on, and I quote, "the social and physical constructs of race, gender, and ethnicity in the context of social inequality in America." At every service academy, one can now find diversity, equity, and inclusion programming listed for students. The examples of what this does to the military would be laughable if they weren't so dangerous. This past September, the Air Force Academy actually instructed cadets that the words "mom" and "dad" might not be inclusive enough. In a less amusing part of the same briefing, cadets were told to avoid the word "colorblind." This is happening at our Nation's elite service academies, not at the faculty lounge at Berkeley, and it is ridiculous.

Many raise concerns about extremism at the military. Yet, after a military-wide shutdown to focus on extremism in the ranks, we found out that fewer than 100—fewer than 100—persons out of a military of 1.2 million Active-Duty servicemembers had engaged in extremist activity.

General Milley, Chairman of the Joint Chiefs of Staff, later revealed that between the shutdown and new "diversity, equity, and inclusion" training requirements levied by the Biden administration, the Department of Defense has spent nearly 5.9 million man-hours on the issue of extremism. That represents over 64,000 hours for each confirmed case of extremism last year.

To the extent there is extremism in the military—and it is rare—it is a problem we can work together on a bipartisan basis to solve, as Senator DAN SULLIVAN has repeatedly discussed, and I appreciate his leadership. But again I say it is extremely rare in the U.S. military.

In fact, many of the attempts to root out extremism have unintended consequences, including convincing potential recruits that they are not welcome in the military. These efforts have also punished Americans with earnest and deeply held beliefs—people who share the same beliefs as I do, people who want to serve in the military.

For example, as part of the “extremism stand down day,” the Navy issued training materials to sailors stating explicitly that conservative views of “marriage, abortion, and LGBTQ rights” are “not considered mainstream”—“not considered mainstream.” The U.S. Navy should not sideline traditional religious and moral views by declaring them out of step with the times.

Let me be clear. I hold sincere convictions about the sanctity of life. I may be in the majority in some States, and I may be in the minority in others, but I am entitled to my views, and our Department of Defense has no business characterizing them as outside the mainstream.

One thing that is not mainstream is the Pentagon’s unrelenting focus on diversity, equity, and inclusion over the past 2 years. The U.S. military is the largest and most diverse public institution in the country. For decades, it has been an engine of economic and social mobility and a place for Americans of all stripes to come together in support of a common mission. From the youngest private to the most senior general, our military is composed of Americans from every possible background you can imagine. We should celebrate that fact.

Sadly, this is not the operating mentality of the leadership at today’s Pentagon. The Department of Defense’s new Diversity, Equity, Inclusion, and Accessibility Strategic Plan aims to, and I quote, “ensure equitable career progression” for military personnel by eliminating promotion and retention barriers.

By adding “equity” rather than “equal opportunity” to the military promotion process, the Biden administration is judging the selection of military leaders not on the content of their character but on whether an individual happens to be a member of one demographic group for another. Simply put, this amounts to quotas over merit.

This equity approach to promotions and assignments takes a sledgehammer to the foundation of the military, and, worse, it creates divisions that put our men and women in uniform at risk. It pits them against each other based on factors they cannot control.

More than any other public institution, our military represents the broad-

est picture of American society. That is as it should be. It is not “systemic racism,” as one senior member of the Defense Department said. This rhetoric draws the ridicule of our enemies. The Chinese Ministry of Foreign Affairs and the agents of the Kremlin have shown no hesitation in ridiculing the language of woke bureaucrats.

Rather than fighting culture wars at the Pentagon, our focus should turn to doing everything in our power to expand the population eligible and qualified for military service. I will partner with any other Member of Congress who wants to achieve this goal.

The PRESIDING OFFICER. The senior Senator from Florida.

CHINA

Mr. RUBIO. Mr. President, no issue dominates our attention more these days than our growing rivalry with China, and rightly so. It is a historic challenge. It is one that I think we waited way too long to recognize, and now we are scrambling to make up for that.

But I think, in all the attention that is being paid to this, it is important that we remember or at least recognize that the core, the essential issue here is not China, *per se*, by itself; the core issue here is a decades-old, bipartisan consensus that is entrenched in our economics and our politics—a consensus that said that economic globalization would deliver, well, freedom and peace. It was almost a religious faith in the power of the free flow of people and money and goods across borders as the answer to virtually every problem that faced the world. That is how we built our politics. That is how we built our foreign policy.

You know what, for about 50 years after World War II, it generally worked. The reason why it generally worked is because we didn’t actually have a global market. If you look at the economy we were engaged in, if you look at the free trade and the like during that period of time, it was primarily a market made up of democratic allies, of countries that shared common values and common priorities for the future.

Even when the outcomes during that time were not always in our benefit, even when maybe some industry left for a country in Europe or maybe during the time that Japan challenged us in some sectors from Asia, at least the beneficiary—even though it may have harmed us in the short term, the beneficiary of that outcome was not the Soviet bloc, the Soviet Union, or some geopolitical competitor; the beneficiary was another democracy and an ally in our confrontation with communism during that period of time.

The point is, it generally worked during that time because, by and large, the interests of the global market and the interests of our country never got out of balance too far.

Then the Cold War ended, and our leaders—and I say “our leaders” because this was really a bipartisan

thing—our leaders became intoxicated with hubris. I remember the lexicon was, it is the end of history, and the world will now be flatter, and every country is now going to naturally become a free-enterprise democracy, and economic liberalization will always result in political freedom. You flood a country with capitalism, and that country will not just get rich, but they are going to turn into us or some version of one of our democratic allies.

So, in pursuit of that historic gamble, which had no historic precedent, we entered into all kinds of trade deals and treaties and rules and regulations on an international scale, and we invited into that all kinds of countries that, by the way, were not democracies, did not share our values, and did not have the same long-term goals for the world as we do. Their long-term goals, in fact, were incompatible. Of all of the deals that were made, none has had greater impact than the decision that was made in the first year of this century: to admit China into the World Trade Organization.

They opened up our economy to the most populous nation on Earth, controlled by a communist regime. They did it not because anybody argued that it would be good for American workers. Remember, they made the argument that eventually it would be, but they weren’t arguing that this was going to help us in the short term and that this would be good for our industries. The central argument behind doing this with China is that we think capitalism will change them. They are going to eat Big Macs and drink Coca Cola. They are going to literally ingest democracy, and it will transform them. They argued that capitalism was going to change China. Now we stand here 23 years later and realize that capitalism didn’t change China. China changed capitalism.

They opened up their doors and said: Come on in. They attracted industries with cheap labor. They said: We have cheap labor and cheap workers, and it flooded. Millions of American jobs, important industries, and factories flooded into China, and they did it with the promise of luring American investors and American money, which poured into China—all of it with the promise that you could make a lot of money in this huge market very quickly, with huge rates of return, and, obviously, for the companies, lower labor costs and therefore more profits for them.

We lost jobs and factories closed and towns were gutted, but the leaders at that time said: Don’t worry. They are only taking the bad jobs. The jobs that have left are not the good jobs. These bad jobs are going to be replaced by good jobs—better jobs. Americans are going to be able to have those jobs. Those Chinese workers who took your jobs are going to get richer now, and with that money they start to make, they are going to do two things: They are going to start buying American products and they are going to demand